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Honorable A. Kathleen Tomlinson
United States Magistrate Judge
Eastern District of New York
Long Island Courthouse
100 Federal Plaza
Central Islip, NY 11722-4438

August 21, 2012

Re: Thomas Moroughan v. The County of Suffolk, et al.
Index No.: CV12-0512(JB) (AKT)

Dear Magistrate Tomlinson:

I am counsel to plaintiff, Thomas M. Moroughan, and I submit this discovery status conference report on behalf of the parties.

1. Paper production of documents: Incomplete. The parties have meet and conferred concerning the production of outstanding discovery:
- A. Counsel for Suffolk County, Brian C. Mitchell, has made diligent efforts to comply in a timely basis with Plaintiff's discovery demands. Suffolk's Rule 26 disclosure was served, and Defendants' responses to the Plaintiff's first set of demands was delayed, through no fault of Mr. Mitchell, due to some administrative problems in securing a State Court unsealing order prohibiting County agencies from releasing certain files. Counsel and I were in frequent communication on this issue, much of the discovery has recently been disclosed, and I expect the balance of the discovery in the near future. I am also waiting for an estimated completion date of Suffolk County's Internal Affairs report. No discovery disputes exist at this juncture between Suffolk County and Plaintiff at this time;
- B. Counsel for Nassau County, Michael J. Ferguson, has made diligent efforts to comply in a timely basis with Plaintiff's discovery demands. Nassau's Rule 26 disclosure was served, and Defendants' responses to the Plaintiff's first set of demands were also served in a timely manner. Plaintiff's second set of demands along with a cover letter and follow-up phone calls concerning Plaintiff's discovery issues have been communicated orally and in writing. Plaintiff and Mr. Ferguson have agreed that the medical records of Officer Bienz will be submitted to Chambers for review and a determination of disclosure. Finally, when completed, Mr. Ferguson has agreed to release the Internal Affairs file to Plaintiff.
- C. Counsel for Officer DiLeonardo, Amy Marion, has made diligent efforts to

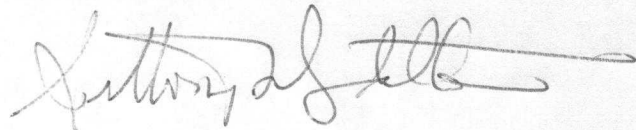
comply in a timely basis with Plaintiff's discovery demands. DiLeonardo's Rule 26 disclosure was served, and Defendant's responses to the Plaintiff's first set of demands is expected shortly. The parties resolved the issue concerning DiLeonardo's medical records and punctually thereafter Counsel provided a Hippa authorization signed by DiLeonardo.

2. Interrogatories have not been served by any party in this action;
3. Currently no discovery disputes exist;
4. Counsel expect to meet and confer concerning the scheduling of depositions prior to discovery conference.

Counsel for Nassau and officer DiLeonardo have filed an application for leave to file a 12(b)(6) motion. Plaintiff has sought leave to amend his complaint. A scheduling order was been issued by Judge Bianco on August 20, 2012, directing that Plaintiff file his first amended complaint by October 22, 2012. The Defendants shall file their respective 12(b)(6) motions by November 1, Plaintiff's opposition by November 23, and Defendants reply by November 23. Oral argument is scheduled for December 18, 2012.

The foregoing constitutes the discovery report of the parties.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Anthony M. Grandinette", with a long horizontal flourish extending to the right.

Anthony M. Grandinette

AMG/eb